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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Paper No. 22

Application Number: 09/759,993

Filing Date: January 12, 2001

Appellant(s): ANDERSON ET AL.

MAILED

SEP 3 0 2003

GROUP 1700

Kevin Raasch  
For Appellant

EXAMINER'S ANSWER

RECEIVED

DEC 13 2004

TC 1700

This is in response to the appeal brief filed August 28, 2003.

**(1) Real Party in Interest**

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

Appellant's brief includes a statement that claims 1, 4, 8-13, 17, 21, 22, 25 in group I, 1, 5, 8-10, 12, 18, 21, 22, and 25 in group II, and 23-24 in group III do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

**(8) *ClaimsAppealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) *Prior Art of Record***

5,891,298	KURODA et al.	6-1999
FR 2,643,487	APOLLONIO et al.	8-1990

**(10) *Grounds of Rejection***

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 4, 8-13, 17, 21-22, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by French Patent Publication 2643487 (Apollonio et al.). Apollonio et al. shows a film removal method and apparatus comprising applying tension over the width of the adhesive film by adhering the film to a take up roll, 24, transferring the tension onto the substrate through a compressive roller, 34, such that as the removal apparatus is moved from a first end of the film to the opposite end the release line and compressive roller are also moved. In the method shown, the compressive roller moves at a distance behind the release line (Fig. 3; English translation, page 5, paragraph 1). Apollonio et al. further teaches adding a heater to the method (page 5, paragraph 2). Regarding claim 13, Apollonio et al. shows the invention to be used to apply and remove poster sections, which would be considered to be large-scale films.

Claims 1, 5, 8-10, 12, 18, 21-22, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuroda et al. Kuroda et al. shows a film removal method and apparatus comprising applying tension over the width of the adhesive film by adhering the film to a take up roll, 18, transferring the tension onto the substrate through a compressive roller, 8, such that as the removal apparatus is moved from a first end of the film to the opposite end the release line (at roller 6) and compressive roller are also moved. In the method shown, the compressive roller moves at a distance ahead of the release line (See Fig. 8).

Claim 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over French Patent Publication 2643487 (Apollonio et al.). Apollonio et al. shows the claimed features except for a variable speed motor and a conformable roller. Both of these are conventional: variable speed motors allow for operator control of the processing speed, especially at start up or nearing completion; conformable rollers are used to reduce the risk of damage to a substrate (See Stadtmueller). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the claimed variable speed motor and conformable roller to the apparatus of Apollonio et al. to increase operator control and reduce the risk of damage.

#### **(11) Response to Argument**

Appellants argue that the examiner's assertion that the structures of Apollonio et al. and Kuroda et al were parallel to the structure of the instant invention have not been

shown. Countering Appellants' argument is the following detailed analysis of each instantly claimed element with corresponding parallel elements of the inventions of both Apollonio et al. and Kuroda et al.

Inspection of Figs. 1 and 3 of Apollonio et al. shows analogous structures to Fig. 4 of the instant invention. In the invention of Apollonio et al., film, 32, on surface of structure, 20, is wound on reel, 24, which is kept a distance from the surface. In the instant invention, film, 112, is peeled from surface, 114, by being wound on reel, 120, which is kept a distance from the surface. Framework of Apollonio et al. pivotally connects the winding reel, 24, with rollers, 34, which ride along the surface of structure, 20. Framework, 130, of the instant invention pivotally connects the winding reel, 120, with roller, 140, which rides along the surface, 114, of the structure. The tension of film, 32, winding on spaced apart reel, 24, will pivot the framework of Apollonio et al. pressing the rollers, 34, against the surface of the structure thereby transferring the tension from the film onto the structure itself just as the tension of film, 112, winding on spaced apart reel, 120, will pivot the framework of the instant invention pressing the roller, 140, against the surface of the structure thereby transferring the tension from the film onto the structure itself in the form of a compressive force.

Inspection of Fig. 8 of Kuroda et al. shows analogous structures to Fig. 4 of the instant invention. In the invention of Kuroda et al., film, 3, on surface of structure, W, is wound on reel, 18, via peeling roller, 6, which is kept a distance from the surface. In the instant invention, film, 112, is peeled from surface, 114, by being wound on reel, 120, which is kept a distance from the surface. Framework of Kuroda et al. pivotally

connects the winding reel, 18, with rollers, 8, which rides along the surface of structure, W. Framework, 130, of the instant invention pivotally connects the winding reel, 120, with roller, 140, which rides along the surface, 114, of the structure. The tension of film, 3, winding on spaced apart reel, 18, will pivot the framework of Kuroda et al. pressing the rollers, 8, against the surface of the structure thereby transferring the tension from the film onto the structure itself just as the tension of film, 112, winding on spaced apart reel, 120, will pivot the framework of the instant invention pressing the roller, 140, against the surface of the structure thereby transferring the tension from the film onto the structure itself in the form of a compressive force.

Appellants further argue that they provided possible explanations of tension force dispersion in their after final amendment and arguments (Paper # 15). A distillation of their arguments is: The transfer of tension in the Apollonio et al. reference onto the substrate cannot occur because the carriage moves along a rigid pole and the tension forces would be directed onto the rigid pole; The tension forces of Kuroda et al. could be directed to the framework supporting the rollers.

As noted above, the inventions of Apollonio et al. and Kuroda et al. have parallel structures to the apparatus of the instant invention. Appellants, in their specification (Page 7, lines 13-19) state: "*Much of the tension force applied to the adhesive film...can then be transferred back to the substrate in the form of a compressive force.....the structures needed to support frame 130 relative to the substrate 114 may be reduced by balancing the tension force...with a compressive force...on substrate...*" (emphasis

added). Appellants do not describe what the structures to support the frame are. They may be a rigid pole such as that of Apollonio et al. or they may be framework supporting the rollers such as that of Kuroda et al. Regardless, it is clear that some of the tension forces are transferred back onto the substrate while the rest of the tension forces are transferred elsewhere. By virtue of their parallel structures with the instant invention, it stands to reason that even if some of the tension forces of Apollonio et al. are transferred to the rigid pole and some of the forces of Kuroda et al. are transferred to the framework, the rest of the forces would still be transferred back onto the substrate through the compressive force.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



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PRIMARY EXAMINER

September 24, 2003

Conferees



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